

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Cas No. 99-499)

In the Application of:

Chou et al.

Serial No.: 08/903,944

Filing Date: July 31, 1997

For: Production of Transgenic Poinsettia

Examiner: D. Fox

Group Art Unit: 1638

Conf. No. 3007

**EXAMINER'S INTERVIEW SUMMARY**

Mail Stop AF  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This is the applicants' summary of the Examiner's Interview held between the Examiner and the undersigned on January 14, 2004.

The Examiner proposed the amended claims that accompanied the paper mailed January 30, 2004. As noted by the Examiner, the applicants declined to accept the proposed amendments. The Examiner expressed the belief that the claims to the transgenic poinsettia plants were enabled only for transformation by microprojectile bombardment and not, in particular, transformation via *Agrobacterium*.

The undersigned responded by asserting (a) the transgenic poinsettia plant claims were enabled for transformation via *Agrobacterium* and (b) in any event, the applicant need only enable a single method (and not every method) of making the claimed plants. Thus, the undersigned expressed the view that the suggested amendments were unnecessary and would not be accepted by the applicants.

Respectfully submitted,

Date: February 13, 2004

  
Michael S. Greenfield  
Registration No. 37,142

Telephone: 312-913-0001  
Facsimile: 312-913-0002

**McDonnell Boehnen Hulbert & Berghoff**  
300 South Wacker Drive, 32<sup>nd</sup> Floor  
Chicago, IL 60606

**CERTIFICATE OF MAILING (37 C.F.R. 1.8a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 13, 2004.

Date: February 13, 2004

  
Michael S. Greenfield



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PATENT

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TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- a) Examiner's Interview Summary; and
- b) return receipt postcard.


2. With respect to fees:

- a) A fee is not required at this time.
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 13, 2004.

Respectfully submitted,

Date: February 13, 2004

  
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Michael S. Greenfield  
Registration No. 37,142